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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,581	08/17/2001	Mamoru Takikita	Q65636	7222

7590 09/12/2005

SUGHRUE, MION, ZINN, MACPEAK & SEAS
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037

EXAMINER	
HASHEM, LISA	
ART UNIT	**PAPER NUMBER**
2645	

DATE MAILED: 09/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/931,581	TAKIKITA, MAMORU	
	Examiner	Art Unit	
	Lisa Hashem	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 May 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *17 August 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to because element 2 in Figures 1 and 3 'Radiocommunication potion' is misspelled. Element 2 should be spelled 'Radiocommunication portion'. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,805,082 by Hassett in view of U.S. Patent No. 6,597,278 by Ando.

Regarding claim 1, Ando discloses a narrow band communication vehicle-mounted apparatus or mobile device (Fig. 2, 1) comprising (see Abstract;): a radio-communication portion (Fig. 1, 9) for sending and receiving with an on-road device or immobile device (Fig. 2, 2) via an antenna (Fig. 2, 6) (col.1, lines 19-27; col. 3, lines 54-63), a control microcomputer (Fig. 2, 7) for controlling various equipment and a nonvolatile memory (Fig. 2, 8) (col. 3, lines 54-63), wherein said control microcomputer inherently stores in said nonvolatile memory randomly generated communication registration identification data (LID; col. 1, lines 41-49) when communication is opened or when said apparatus starts up (Fig. 6: Start, 100; Fig. 7; col. 5, lines 21-31), and communication is performed using communication registration identification data stored in said nonvolatile memory in a case where said apparatus is in a communication range when said apparatus starts up (col. 5, lines 32-55; col. 6, lines 10-22; col. 7, lines 55-63).

Ando does not disclose a field intensity measuring portion for detecting a radio field intensity and communication is performed where said radio field intensity is in a communication range.

Hassett discloses a narrow band communication vehicle-mounted

apparatus or in-vehicle component (IVC) (see Abstract; Fig. 2, 16) inherently comprising (col. 12, lines 34-46): a radio-communication portion for sending and receiving with an on-road device (Fig. 2, 18) via an antenna (Fig. 14A, 73), a field intensity measuring portion for detecting a radio field intensity (Fig. 14A, 76), a control microcomputer for inherently controlling various equipment (Fig. 14A, 70), and a nonvolatile memory (Fig. 14A, 88) (col. 8, lines 24-53), wherein said apparatus receives communication registration identification data (new T1 signal) when communication is opened or when said apparatus starts up (when receiving this new T1 signal) (col. 8, lines 35-48; col. 15, lines 7-22), and communication is performed using communication registration identification data received in a case where said radio field intensity is in a communication range when said apparatus starts up (when vehicle decides to exit an upcoming ramp and the apparatus receives a T1 signal data) (col. 14, lines 19-56; col. 14, line 65 - col. 15, line 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Andos to include a field intensity measuring portion for detecting a radio field intensity and communication is performed where said radio field intensity is in a communication range as taught by Hassett. One of ordinary skill in the art would have been lead to make such a modification to include a field intensity measuring portion that detects radio field intensity and a radio field intensity that permits communication.

Regarding claim 3, the narrow band communication vehicle-mounted apparatus according to claim 1, wherein Andos further discloses said randomly generated communication registration identification data relates to an identification of the narrow band communication vehicle-mounted apparatus (col. 1, lines 41-49; col. 1, lines 59-67; col. 3, lines 35-39).

Regarding claim 4, the narrow band communication vehicle-mounted apparatus according to claim 1, wherein Andos further discloses said control microcomputer (CPU) stores in said nonvolatile memory randomly generated communication registration identification data (LID; Fig. 6, 100) only when said apparatus starts up (Fig. 6, Start).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 4 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S. Patent No. 5,952,940 by Matsumoto.

Regarding claim 2, Matsumoto discloses a narrow band communication vehicle-mounted apparatus or vehicle-mounted device (see Abstract; Fig. 2, 26; col. 1, lines 18-29) comprising: a radio-communication portion (Fig. 3A, 35) for sending and receiving with an on-road device or road-side communication device (Fig. 2, 16; Fig. 3B) via an antenna (Fig. 3A, 27), a frequency control portion (Fig. 3A, 35) for setting send and receive frequencies, a control microcomputer (Fig. 3A, 33) for controlling various equipment and a nonvolatile memory (Fig. 3A, 34) (col. 6, lines 13-23; col. 6, lines 43-53), wherein said control microcomputer inherently saves in said nonvolatile memory a radio frequency (FCM5) at which communication was performed (col. 6, line 64 – col. 7, line 7; Fig. 1, S4: NO; col. 9, lines 8-50; col. 10, line 47 – col. 11, line 3), and communication is performed selecting said radio frequency saved in said nonvolatile memory as

a first candidate when said apparatus starts up (col. 8, lines 7-14; Fig. 1, S4: NO; col. 9, lines 8-50; col. 10, line 47 – col. 11, line 3).

Response to Arguments

6. The claim objections cited in the last office action filed on 2-24-2005 are withdrawn.

7. Applicant's arguments, see Amendment, filed 5-24-2005, with respect to the rejection(s)of claim(s) 1 and 2 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made of claims 1-4. Please see the rejections above.

8. Accordingly this action is **NON-FINAL**.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- US Patent No. 6,300,882 by Inoue discloses a vehicle-onboard DSRC apparatus comprising an electric field intensity discriminating means

10. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(571) 273-8300 (for formal communications intended for entry)

Or call:

(571) 272-2600 (for customer service assistance)

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (571) 272-7542. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LH

lh
September 3, 2005

FAN TSANG
SUPERVISORY PATENT EXAMINER
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